



Floreat Park Primary School | An Independent Public School
Gender Diversity in Sports Policy

Ratified by	Date
School Board	June 2023
Review Date	June 2024





Inclusion statement

Aligning with Department of Education of Western Australia guidance, Floreat Park Primary school facilitates a positive, inclusive and supportive school environment for lesbian, gay, bisexual, transgender and intersex (LGBTI) students by:

- having a culture of openness, diversity and a mutual understanding of expected behaviours
- recognising and accepting gender diverse students, parents, carers or staff
- identifying and addressing issues caused by peer pressure, social stigma and bullying
- including social and emotional learning resources, topics and programs
- providing regular communication to the school community on the Department of Education's stance on unlawful discrimination, harassment and bullying.

Context

Under the [Western Australian Equal Opportunity Act 1984](#) and the [Commonwealth Sex Discrimination Act 1984](#), it is unlawful to discriminate against a student on the basis of gender and sexual diversity

Sports and athletics

Gender diverse students need to be able to continue to participate in school sports and physical education. We do not exclude students due to their gender identity.

We consult and take guidance from School Sport WA (SSWA) when making decisions about how transgender students participate in sport, particularly competitive sports where the strength, stamina or physique of players is relevant.



Their Inclusion and Transgender Students is attached as Appendix A

<https://www.schoolsportwa.com.au/admin/policies/>

Note: SSWA will be reviewing this policy in November 2023.

Contact information

If you would like further information, please contact Jane Rowlands (Principal)

jane.rowlands@education.wa.edu.au



Appendix A

<p>SSWA Policy</p> 	INCLUSION POLICY	Last Edited: March 2018
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School Sport Western Australia [SSWA] supports the right of ALL students to access the same opportunities to school sport as their peers. All schools and school sporting structures have a legal and a moral obligation to provide the same access, where appropriate, to school sport for all students regardless of gender, race or culture.

STUDENTS WITH DISABILITIES

SSWA will work with State Sporting Organisations (SSOs) and the existing school sport structures to ensure that opportunities are provided for all students, regardless of gender, race or culture, to play sport in settings where students with disabilities compete with abled bodied students and in settings where they compete against other students with a disability.

SSWA believes that the first level of entry to school sport is critical, and must be inclusive. This level provides valuable integrated opportunities for all students to play sport with their peers. Where practical, schools must ensure that minor modifications are made to the rules at the first level of entry to better include all students. This is best done at a local level, and between schools, using a common sense approach to competition.

SSWA is also committed to providing opportunities for students with disabilities to compete in sport and will work with the Special School Sports Associations, SSOs and the Australian Paralympic Committee (APC) to ensure that competition opportunities will exist for students with a disability, and that the pathways between school and community sport will be mirrored.

Each SSWA sport's committee will decide what competition opportunities should be set up for students with a disability. The SSWA Disability Sport Coordinator will inform and support the sports specific committees and SSWA staff.

TRANSGENDER STUDENTS

BACKGROUND

This policy is to be read in conjunction with Department of Education "Revised Equal Opportunity, Discrimination and Harassment policy and procedures." Supporting Transgender and intersex students

POLICY

SSWA will work with schools, the Education Department, SSOs and other school sport structures to ensure that opportunities are provided for all students to play sport competitively regardless of their gender identity and to build the confidence and capacity of schools to support gender diversity.



SSWA has an inclusive approach to transgender students playing sport competitively and schools should encourage participation in sport by transgender students. All students benefit socially, emotionally and physically by participating in sport and evidence supports the notion that improvements in academic results occur when students actively participate in school sport.

It is unlawful to discriminate on the basis of a person's gender identity. Refusing or failing to select a student in a sporting team, or excluding a student from participating in a sporting activity, on the basis of that student's gender identity may constitute unlawful discrimination.

There are exceptional circumstances in which exclusion of a student aged 12 years or over from a competitive sporting activity on the basis of their gender identity may not constitute unlawful discrimination. The law (Equal Opportunity Act WA) provides that in limited circumstances where the **strength, stamina or physique** of players is relevant in a competitive sporting activity, it may be lawful to exclude a student on the basis of their gender identity. In deciding whether to apply this exception to discrimination, consideration should be given to:

- whether the student would have an unfair physical advantage over other students; and
- in sporting competitions involving player-to-player contact, whether the disparity in strength or physique of a student of transgender status differs so significantly that it may give rise to concerns for the safety of the student or other students.

In consultation with its stakeholders (including Equal Opportunity Commission WA, the transgender community, the Safe Schools Coalition and the Education Department), SSWA will act as facilitator, upon request from schools, as to whether strength, stamina or physique is relevant, practical examples, team sports vs individual sports etc.

Even if these exceptional circumstances apply, it is equally lawful to decide to *allow* a transgender student to participate, regardless of whether there are circumstances that may permit exception to discrimination under the law.

Before making a decision to exclude a student on the basis of their gender identity from participating in a competitive school sporting activity or modifying participation in an activity, SSWA will:

1. consult with the student and their parents/carers and provide them with the opportunity to have input into any decision to exclude the student from a competitive sporting activity;
2. consider how best to respect the dignity of the student;
3. consider and act compatibly with the human rights of the student, including their right to enjoy their human rights without discrimination; and
4. consider the student's right to privacy and the impact any decision may have on this right. Information about a student's gender identity is personal information and should not be disclosed to the wider school community without the consent of the student.



5. Consult the school & SSWA whenever relevant, allowing all stakeholders to be informed.

GUIDELINES FOR THE IMPLEMENTATION OF THIS POLICY

SSWA will consult with the affected school where possible

STUDENTS 11 YEARS AND YOUNGER

- Students 11 years or younger will be permitted to compete in SSWA competitions as the gender to which they identify.

STUDENTS 12 YEARS AND OLDER

- Transgender students should **only** be excluded from participation in competitive school sporting activities on the basis of their gender identity in **exceptional circumstances**.
- Any decision to exclude a transgender student will only be made after considering the particular circumstances of the student and the factors set out above.
- *If schools require assistance in making a decision whether to exclude a transgender student from participating in a competitive sporting activity where the strength, stamina or physique of players is relevant, they can contact SSWA.*

ENDORSEMENT

This policy was endorsed by the School Sport WA Management Committee on 4 April 2017

Board Chair	Date	Principal	Date
Jane Caforio	28 / 06 / 2023	Mark Walters	28 / 06 / 2023
			